

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: July 30, 2009 Time: 1:30 P.M	Agenda Item No.: 1
Project Description: Combined Development Permit consisting of 1) A Coastal Administrative Permit for the installation of a 20 foot by 50 foot in-ground swimming pool with associated pool decking and excavation of approximately 230 cubic yards; 2) A Coastal Development permit to allow development within 100 feet of environmentally sensitive habitat; and 3) A Coastal Development Permit to allow development on slopes greater than 25%.	
Project Location: 14601 Tumbleweed Lane, Royal Oaks	APN: 129-141-071-000
Planning File Number: PLN080371	Name: Jeanne Koploy and Bruce Burton, Property Owner's
Plan Area: North County Land Use Plan	Flagged and staked: staked
Zoning Designation: RDR/10 (CZ) [Rural Density Residential, 10 acres per unit (in the Coastal Zone)].	
CEQA Action: Categorically Exempt per Section 15303 (e)	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Zoning Administrator approve the Combined Development Permit (PLN080371) based on the Findings and Evidence (**Exhibit B**) and subject to the recommended Conditions (**Exhibit C**).

PROJECT OVERVIEW: The proposed project includes the installation of a 1,000 square foot in-ground swimming in the rear yard of an existing single family dwelling. The pool has been sited as close to the house as possible and is predominantly maintained within the existing fenced backyard of the house with the exception of one corner. An 80 square foot portion of the proposed pool will extend beyond an existing wood retaining wall into slopes greater than 25% requiring a 4-foot high retaining wall at the south east corner. Changes were made from the original design to reduce impacts to slope to the maximum extent while still allowing for a pool that is sufficient for the property owner whose stated desire was to get exercise by doing laps and to provide for training of children who aspire to be swimmers.

The location of the pool is also appropriate due to other resource constraints including chaparral and oak woodland that exist outside pool area within 100 feet of the existing house and proposed pool. However, the pool placement avoids impacts to trees or sensitive vegetation. A biological report was prepared for the proposed development that concludes that no significant impacts to sensitive biological resources are expected with incorporation of conditions requiring exclusive construction fencing and erosion control. These conditions are incorporated in the conditions of approval for this project (Conditions 3 & 6).


OTHER AGENCY INVOLVEMENT:

- ✓ North County Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. Conditions recommended by Planning and Environmental Health have been incorporated into the condition compliance reporting plan (**Exhibit C**).

On March 2, 2009 the North County Coastal Land Use Advisory Committee (LUAC) recommended approval on the project by a 3-0 vote. The LUAC expressed concern regarding the amount and frequency of water used to drain and refill the pool and the potential use of the pool water for fire suppression. The applicant responded by saying that the pool would be filled and maintained and that minimal amounts of additional water will be added as needed due to evaporation and stated that he did not object to use of the water for fire suppression. One member of the public made comments regarding drainage and erosion problems stemming from potential overflow of the pool caused by rainfall and the need to contact mosquito abatement. The applicant responded to this issue by saying that the pool cover has a collection and drain feature and that the pool will be chlorinated.

Note: The decision on this project is appealable to the Board of Supervisors and the Coastal Commission.



Craig Spencer
(831) 755-5233, spencerc@co.monterey.ca.us
March 4, 2009

cc: Front Counter Copy; California Coastal Commission; Zoning Administrator; North County Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, Planning Services Manager; Craig Spencer, Planner; Carol Allen, Jeanne Koploy and Bruce Burton, Applicants; Planning File PLN080371.

Attachments: Exhibit A Project Data Sheet
Exhibit B Recommended Findings and Evidence
Exhibit C Recommended Conditions of Approval
Exhibit D Vicinity Map
Exhibit E Site Plan, Floor Plan and Elevations
Exhibit F LUAC Minutes
Exhibit G Biological Report
Exhibit H Geotechnical Report
Exhibit I Justification letter

This report was reviewed by Laura Lawrence, Planning Services Manager

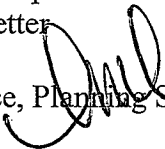


EXHIBIT A

PROJECT DATA SHEET

EXHIBIT A

Project Information for PLN080371

Project Title: BURTON BRUCE & JEANNE KOPLOY

Location: 14601 TUMBLEWEED LN ROYAL OAKS

Primary APN: 129-141-071-000

Applicable Plan: North County Land Use Plan

Coastal Zone: Yes

Permit Type: Combined Development Permit

Zoning: RDR/10 (CZ)

Environmental Status: Exempt

Plan Designation: RESIDENTIAL

Advisory Committee: North County (Coastal)

Final Action Deadline (884): 8/17/2009

Project Site Data:

Lot Size: 5 ACRES

Coverage Allowed: 25%

Existing Structures (sf): 3,000

Coverage Proposed: N/A

Proposed Structures (sf): 1,000

Height Allowed: 30FT

Height Proposed: N/A

Total Sq. Ft.: 1,000

FAR Allowed: N/A

FAR Proposed: N/A

Resource Zones and Reports:

Environmentally Sensitive Habitat: Yes

Erosion Hazard Zone: HIGH

Biological Report #: LIB090100

Soils Report #: LIB090099

Forest Management Rpt. #: N/A

Archaeological Sensitivity Zone: LOW

Geologic Hazard Zone: IV

Archaeological Report #: N/A

Geologic Report #: N/A

Fire Hazard Zone: HIGH

Traffic Report #: N/A

Other Information:

Water Source: WELL

Sewage Disposal (method): SEPTIC

Water Dist/Co: N/A

Sewer District Name: N/A

Fire District: NORTH COUNTY FPD

Grading (cubic yds.): 230.0

Tree Removal: N/A

EXHIBIT B

RECOMMENDED FINDINGS AND EVIDENCE

**EXHIBIT B
DRAFT RESOLUTION**

**Before the Zoning Administrator in and for the
County of Monterey, State of California**

In the matter of the application of:

Burton & Koploy (PLN080371)

RESOLUTION NO.

Resolution by the Monterey County Zoning
Administrator:

Approving a Combined Development Permit
consisting of 1) A Coastal Administrative Permit for
the installation of a 20 foot by 50 foot in-ground
swimming pool with associated pool decking and
excavation of approximately 230 cubic yards; 2) A
Coastal Development permit to allow development
within 100 feet of environmentally sensitive habitat;
and 3) A Coastal Development Permit to allow
development on slopes greater than 25%.

(PLN080371, Burton & Koploy, 14601 Tumbleweed
Lane Royal Oaks, North County Land Use Plan
(APN: 129-141-071-000)

The Burton & Koploy application (PLN080371) came on for public hearing before the Monterey County Zoning Administrator on July 30, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
- EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
- the Monterey County General Plan,
 - North County Land Use Plan,
 - Coastal Implementation Plan Part 2,
 - Monterey County Zoning Ordinance (Title 20)
- No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
- b) The property is located at 14601 Tumbleweed Lane, Royal Oaks (Assessor's Parcel Number 129-141-071-000), North County Land Use Plan. The parcel is zoned Rural Density Residential, 10 acres per unit, in the Coastal Zone ("RDR/10 (CZ)") which allows accessory structures and accessory uses to any principal use subject to a Coastal

Administrative Permit in each case. Therefore, the project is an allowed land use for this site.

- c) The project planner conducted a site inspection on March 11, 2009 to verify that the project on the subject parcel conforms to the plans listed above.
- d) As designed and conditioned the project is consistent with the North County Coastal Implementation Plan policies (CIP part 2) dealing with environmentally sensitive habitat development standards (20.144.040 CIP). The site contains a mosaic of oak woodland and maritime chaparral both sensitive native plant communities. As designed and conditioned, the proposed development will not have a direct impact on sensitive communities as no vegetation or tree removal is required. The proposed development will not adversely affect the long term maintenance of the habitat (20.144.040.B.2) (Reference Biological Report dated May 26, 2008).
- e) In order to approve development on slopes of 25% or more, the Zoning Administrator must find based on substantial evidence, that there is either feasible alternative which would allow development to occur on slopes of less than 25%, or the proposed development better achieves the goals, policies and objectives of the North County Land Use Plan the other development alternatives. In this case the findings can be made based on topography, location of existing development, and location of existing sensitive vegetation the location. See Finding 6 for more detail.
- f) The project was referred to the North County Coastal Land Use Advisory Committee (LUAC) for review. On March 2, 2009 the North County Coastal Land Use Advisory Committee (LUAC) recommended approval on the project by a 3-0 vote. The LUAC expressed concern regarding the amount and frequency of water used to drain and refill the pool and the potential use of the pool water for fire suppression. The applicant responded by saying that the pool would be filled and maintained and that minimal amounts of additional water will be added as needed due to evaporation and stated that he did not object to use of the water for fire suppression. One member of the public made comments regarding drainage and erosion problems stemming from potential overflow of the pool caused by rainfall and the need to contact mosquito abatement. The applicant responded to this issue by saying that the pool cover has a collection and drain feature and that the pool will be chlorinated.
- g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN080371.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

EVIDENCE: a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, North County Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- b) Technical reports by outside biological and geological consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared:
 - "Focused Botanical Survey" (LIB090100) prepared by Biotic Resources Group, Soquel, CA, May 26, 2008.
 - "Geotechnical Investigation" (LIB090099) prepared by AMSO Consulting Engineers, Hayward, CA, December 3, 2007.
- c) Staff conducted a site inspection on March 11, 2009 to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN080371.

3. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by RMA - Planning Department, North County Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Improvements to the septic system and setbacks from the septic system to the well on the property have been improved under the direction of Environmental Health through their review of the proposed project. The result is an adequate well and septic system that meets all of the local standards.
 - c) See Findings 1, 2, 3, and 6 with supporting evidence.

4. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on March 11, 2009 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080371.

5. **FINDING: CEQA (Exempt):** - The project is categorically exempt from

environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15303 (e), categorically exempts the construction of accessory structures including swimming pools.
 - b) The biological report prepared by Biotic Resources Group indicates that there are no significant impacts to sensitive botanical resources as designed and conditioned.
 - c) The development on slopes is limited to an 80 square foot area and will result in only a 4-foot high retaining wall. The surcharge on that retaining wall is not particularly significant in this case.
 - d) No adverse environmental effects were identified during staff review of the development application during a site visit on March 11, 2009.
 - e) See preceding and following findings and supporting evidence.

6. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c. of the Monterey County Coastal Implementation Plan, can be demonstrated.
 - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 6, the Shoreline Access/Trails Map, of the North County Land Use Plan).
 - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080371.
 - e) The project planner conducted a site inspection on March 11, 2009.

7. **FINDING:** **DEVELOPMENT ON SLOPE** – The proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and North County Land Use Plan and the Monterey County Zoning Ordinance (Title 20) than other development alternatives.

- EVIDENCE:**
- a) In accordance with the applicable policies of the North County Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.
 - b) The project site contains, an existing single family dwelling, a water well, a barn, two pastures, two animal pens, a water tank and a septic system. Although there are some areas along the driveway approach to the house that would be under 25%, these areas are currently used for keeping of animals. Additionally pools are generally located in close proximity to the residence for ease of use.
 - c) The location of the pool has been positioned within the existing fenced backyard area off the existing house with the exception of 80 square

feet. The location provides ease of use and an appropriate site within a disturbed area while meeting setback requirements from the well and septic system.

- d) No tree or sensitive vegetation removal is required for the installation of the new pool (North County Land Use Plan Policies 2.3.3.A.2, 2.3.3.A.3, and 2.5.3.C.6.e). Other than animal use areas and the existing house, the lot contains rolling topography with Coast Live Oak trees and protected Manzanita species associated with maritime chaparral habitat. Impacts to these species will be appropriately avoided. A condition requiring construction fencing has been incorporated to protect trees and other sensitive vegetation during construction (Condition # 6).
- e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080371.
- f) The project planner conducted a site inspection on March 11, 2009.
- g) The encroachment on slopes is minor and will result in a maximum four foot vertical cut and the area furthest into the slope. The geotechnical report prepared for the project finds that the site is suitable for the proposed swimming pool provided recommendations contained in the report are followed. A standard condition requiring compliance with this report has been incorporated (Condition # 5).

8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission

- EVIDENCE:**
- a) Section 20.86.030 of the Monterey County Coastal Implementation Plan - Part 1 (Board of Supervisors).
 - b) The project may be appealed to the California Coastal Commission pursuant to Section 20.86.080 of the Monterey County Coastal Implementation Plan - Part 1 because development within 100 feet of environmentally sensitive habitat is subject to a Coastal Development Permit in each case (Conditional Use).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Approve the Combined Development Permit consisting of 1) A Coastal Administrative Permit for the installation of a 20 foot by 50 foot in-ground swimming pool with associated pool decking and excavation of approximately 230 cubic yards; 2) A Coastal Development permit to allow development within 100 feet of environmentally sensitive habitat; and 3) A Coastal Development Permit to allow development on slopes greater than 25%., in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 30th day of July, 2009

Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON _____

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS / IS NOT APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 4 years after the above date of granting thereof unless construction or use is started within this period.

EXHIBIT C

RECOMMENDED
CONDITIONS OF
APPROVAL

**RESOLUTION 080371- EXHIBIT 1
 Monterey County Resource Management Agency
 Planning Department
 Condition Compliance and/or Mitigation Monitoring
 Reporting Plan**

Project Name: Jeanne Koploy and Bruce Burton
 File No: PLN080371 APNs: 129-141-071-000
 Approved by: Zoning Administrator Date: July 30, 2009

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
1.		<p>PD001 - SPECIFIC USES ONLY This Combined Development Permit (PLN080371) allows 1) A Coastal Administrative Permit for the installation of a 20 foot by 50 foot in-ground swimming pool with associated pool decking and excavation of approximately 230 cubic yards; 2) A Coastal Development permit to allow development within 100 feet of environmentally sensitive habitat; and 3) A Coastal Development Permit to allow development on slopes greater than 25%. The property is located at 14601 Tumbleweed Lane, Royal Oaks (Assessor's Parcel Number 129-141-071-000), North County Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)</p>				
2.		<p>PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 080371) was approved by the Zoning Administrator for Assessor's Parcel Number 129-141-071-000 on July 30, 2009. The permit was granted subject to 8 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)</p>	<p>Proof of recordation of this notice shall be furnished to the RMA - Planning Department.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading and building permits or commencement of use.</p>	
3.		<p>PD010 - EROSION CONTROL PLAN AND SCHEDULE The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of Building Services. All cut and/or fill slopes exposed</p>	<p>An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading and building permits</p>	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (frame/date)
		during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)	Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.	Owner/ Applicant	Ongoing	
4.		PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A biological report has been prepared for this parcel by Biotic Resources Group, dated May 26, 2008 and is on record in the Monterey County RMA - Planning Department, Library No. LIB090100. All development shall be in accordance with this report." (RMA – Planning Department)	Evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department	Owner/ Applicant	Prior to final inspection	
			Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	
			Submit proof that all development has been implemented in accordance with the report to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to Occupancy	
5.		PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A geotechnical report has been prepared for this parcel by AMSO Consulting Engineers dated December 3, 2007 and is on record in the Monterey County RMA - Planning Department, Library No. LIB090099. All development shall be in accordance with this report." (RMA – Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	
			Submit proof that all development has been implemented in accordance with the report to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to Occupancy	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
6.		<p>PDSP001 – TREE AND VEGETATION PROTECTION (NON-STANDARD) Trees and other sensitive vegetation (including Manzanita) which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees and vegetation. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the RMA – Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by a qualified biologist. Should any additional trees or vegetation not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning Department)</p>	<p>Submit evidence of tree protection to the RMA - Planning Department for review and approval.</p> <p>Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a qualified biologist.</p> <p>Submit photos of the trees and vegetation on the property to the RMA – Planning Department after construction to document that vegetation protection has been successful or if follow-up remediation or additional permits are required.</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant/ Biologist</p> <p>Owner/ Applicant</p>	<p>Prior to the issuance of grading and/or building permits</p> <p>During Construction</p> <p>Prior to final inspection</p>	
7.		<p>EH007 - ABANDONED WELLS Destroy the existing abandoned well(s) according to the standards found in State of California Bulletin 74 and all its supplements, and Chapter 15.08 of the Monterey County Code. The well shall not be considered abandoned if satisfactory evidence is provided that the well is functional, is used on a regular basis, and does not act as a conduit for contamination of groundwater. (Environmental Health)</p>	<p>Prior to destruction, a permit for the destruction of the well(s) shall be obtained by a CA licensed well contractor from the Division of Environmental Health. After destruction submit the Well Completion Report to the Division of Environmental Health</p>	<p>CA Licensed Engineer /Owner/ Applicant</p>	<p>Prior to filing a final map and/or issuance of a building permit</p>	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
8.		<p>EHSP001 - SEPTIC SYSTEM DESIGN (NON-STANDARD)</p> <p>Submit plans for review and approval showing the location and design of the proposed septic system meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. The dedicated reserve area for future septic system repairs shall be designated on the plan. The existing seepage pit adjacent to the septic tank shall be abandoned under permit from EH. (Environmental Health)</p>	<p>The Division of Environmental Health must approve plans. Applicant's septic system contractor shall obtain a permit to install the septic system.</p>	<p>CA Licensed Engineer /Owner/ Applicant</p>	<p>Prior to issuance of grading and building permits.</p>	

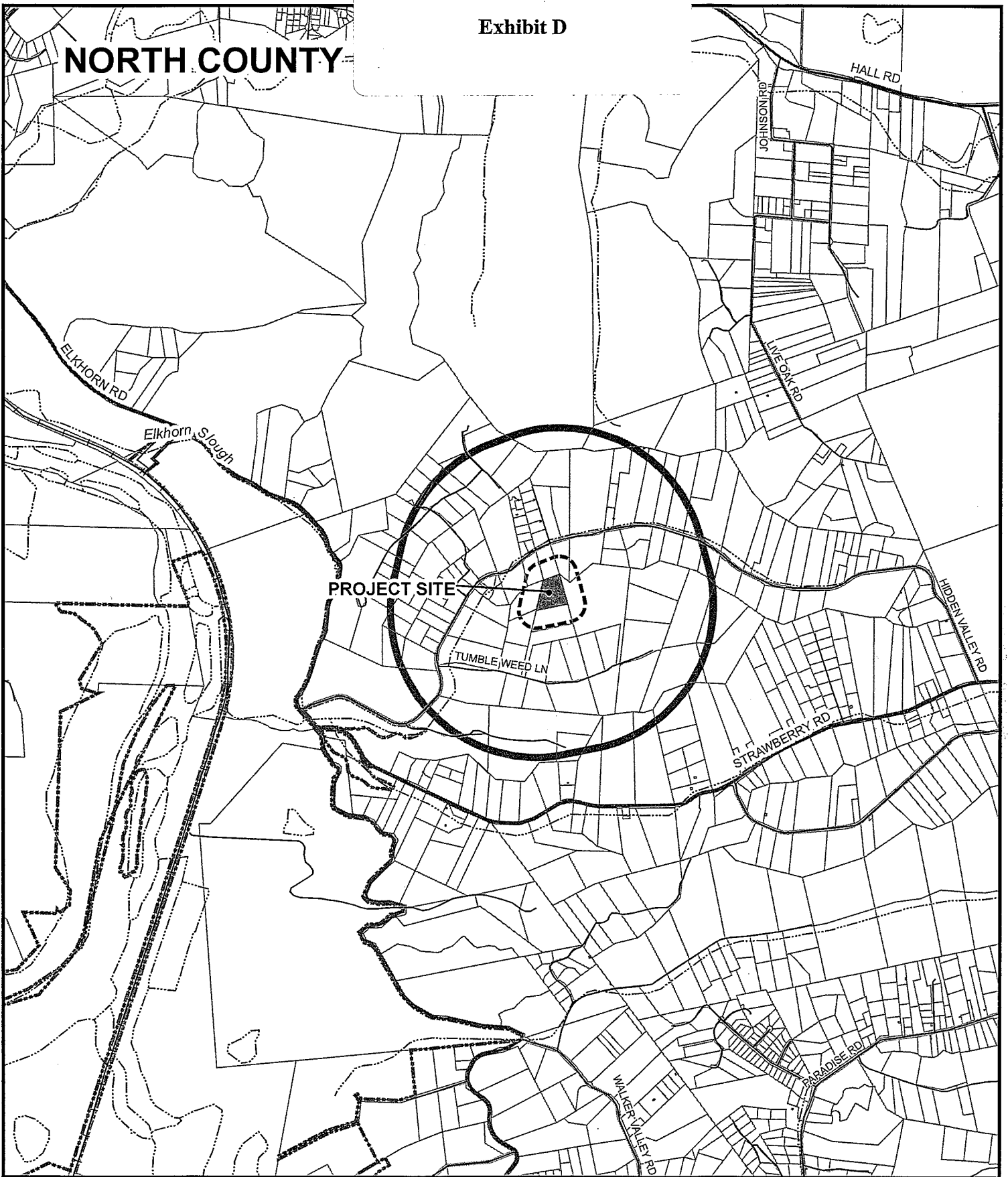
END OF CONDITIONS

EXHIBIT D

VICINITY MAP

Exhibit D

NORTH COUNTY






PROJECT SITE

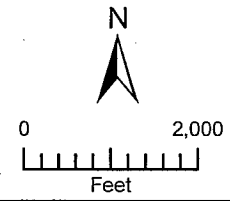
TUMBLEWEED LN

APPLICANT: BURTON

APN: 129-141-071-000

FILE # PLN080371

 300' Limit
  2500' Limit
  City Limits

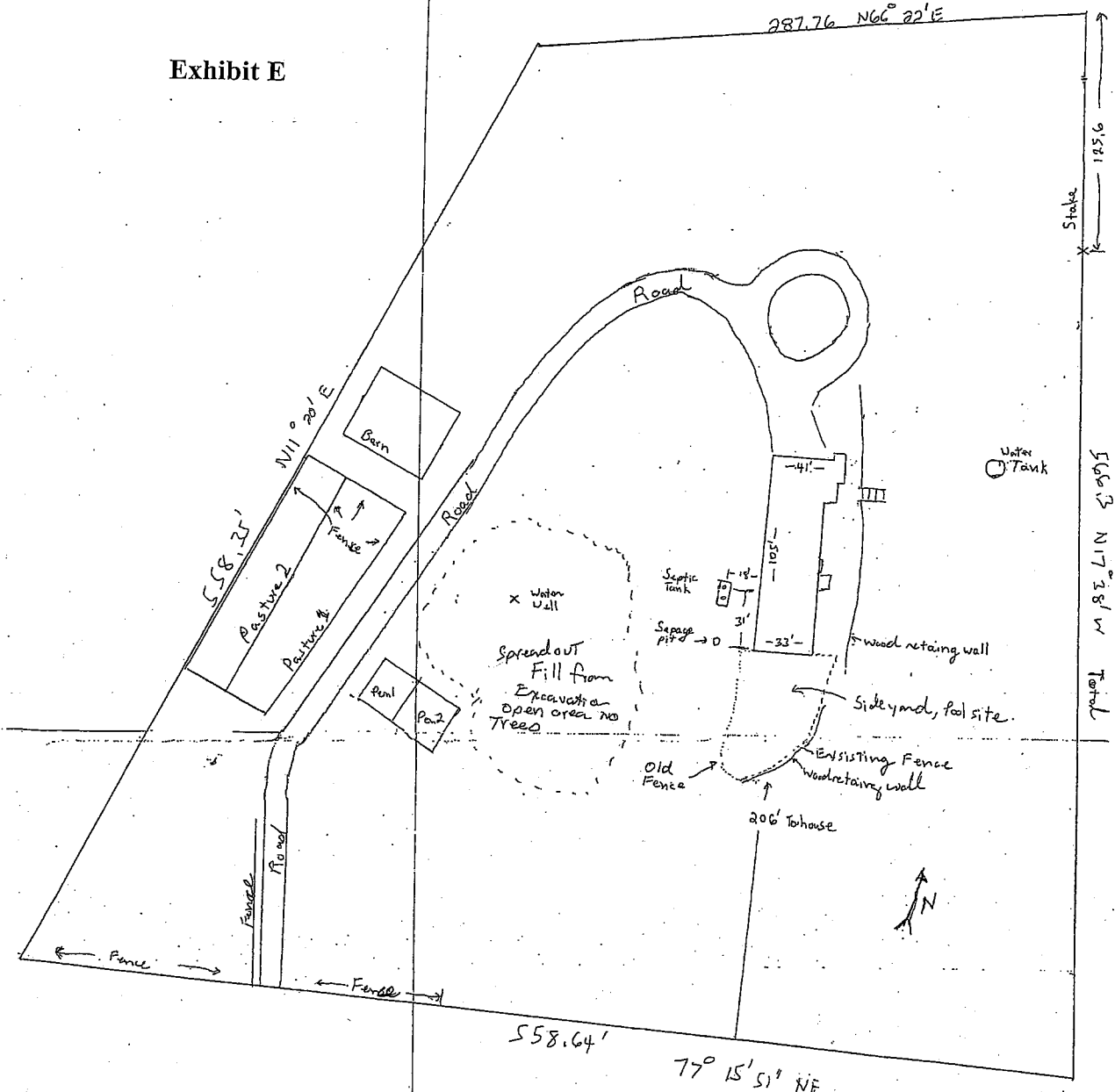


PLANNER: SPENCER

EXHIBIT E

SITE PLAN,
FLOOR PLAN
AND ELEVATIONS

Exhibit E



PLN0806371

- Pool Site grading: cut + fill 2 10 cubic yards
 - Excavation for pool 2 230 cubic yards
 - Partial Topographical Map of pool site
- Baseline Land Survey 07-08 Drawing

SCALE 1cm = 20ft

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FEB 03 2009

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APN 129-141-07100

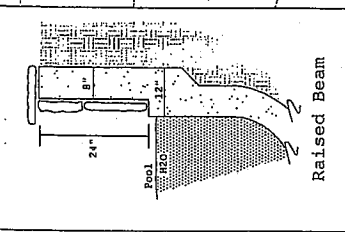
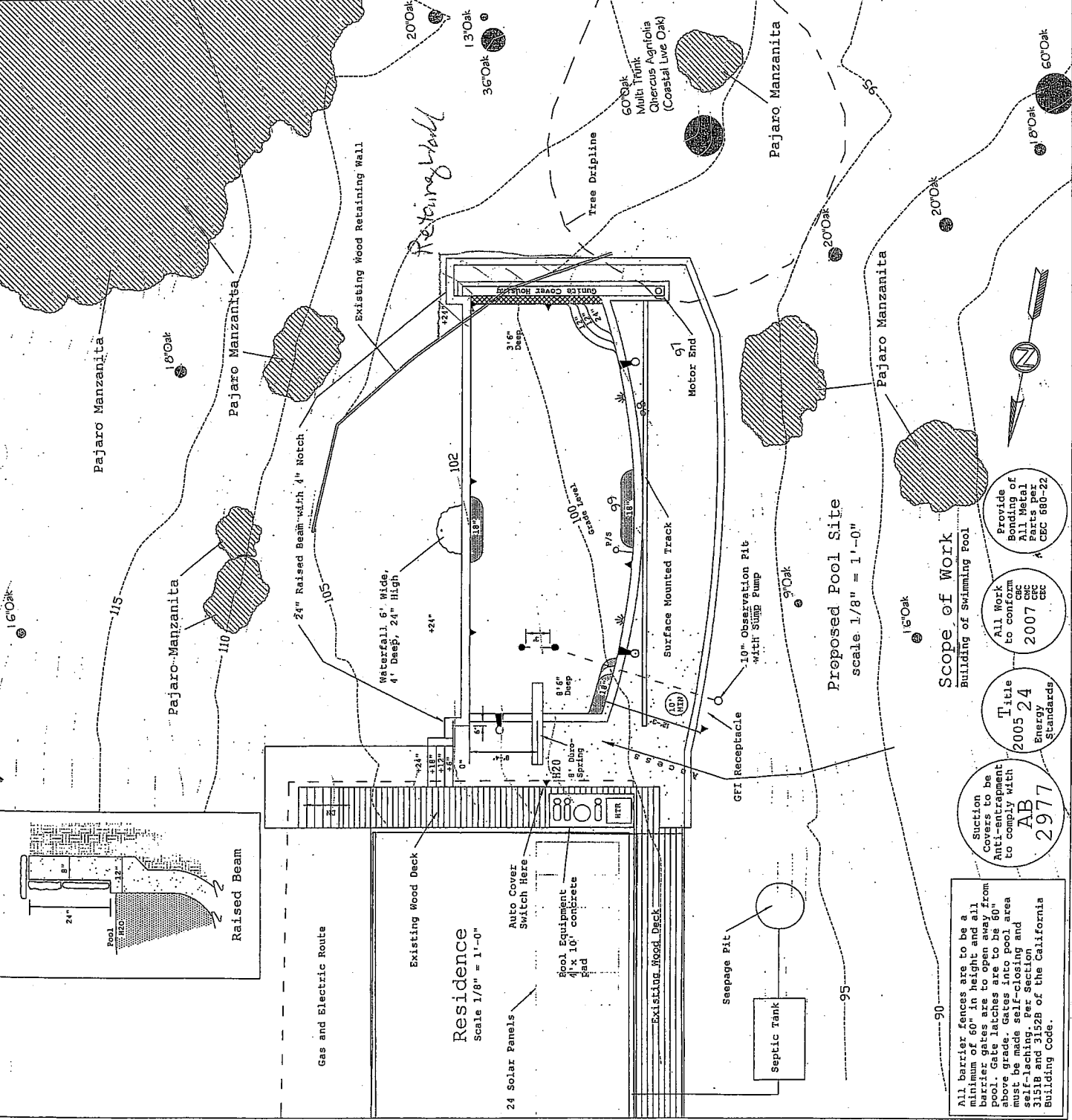
Drawn By Bruce B. Burton, bruceb@elkhornranch.us
14601 Tumbleweed Lane
Royal Oaks, CA 95076
831-763-9088(H), 831-566-4232(C)
October 25, 2008

- Home built 1978
- No Tree Removal required, Plant impact minimal

MN080371

ROYAL POOLS	
2258 CAMDEN AVENUE SAN JOSE, CA 95124 Phone 371-8000 Licence No. C31-278052	
POOL SPECIFICATION	
SIZE 20' x 50'	SHAPE Custom
DEPTH 3'6" to 8'6"	VOL. 43,200
CODE 153-1120	
Waterfall: 6' Wide, EXCAVATION 55 pcf	
4' Deep, 24" High LOVE SEAT 3 1/2' Dia	
GRADING Pool Site Only RAMP shallow End	
RBB 24" with 4" Notch	
SPA	
MISC. Auto Cover Box	
Waterfall: 6' Wide, STEEL Auto Cover Box	
SPIN OUT None LOVE SEAT 3 1/2' Dia	
DEEP END STEPS None	
RBB 24" with 4" Notch	
SPA	
MISC. Auto Cover Box	
SURCHARGE 55 pcf	
PLUMBING	
SUCTION of 2 3/4" RETURN 2" to Jet	
INLETS 5 FILL LINE Unobstr.	
POOL SWEEP 3500 GAL DUMP	
MISC. Auto Cover Box	
SPA PLUMBING	
MAIN DRAIN None RETURN None	
INJECTORS None MISC. None	
BONDING	
GRAB RAIL None SLIDE None	
DIVING BOARD var. LIGHTS None	
OTHERS Auto Cover Box	
EQUIPMENT Rainbow Chlor	
Ultra Pure	
Oxidizer UP30	
FILTER 542 sq. ft. Hayward Cart.	
PUMP 1 1/2 HP Hayward Neptune	
HEATER 3500 BTU L.F. 2 PROPANE	
POOL SWEEP Francon	
CONTROLS None	
BLOWER None LIGHT 2-1 Foot w/dimmers	
DIVING BOARD 3-1/2' Dia-Spring	
MISC. 24 Half-Cool Panels	
Waterfall: 6' Wide, GUNITE 55 pcf	
4' Deep, 24" High LOVE SEAT 3 1/2' Dia	
DEEP END STEPS SPA None	
SURCHARGE CUP ANCHORS var	
RBB 24" with 4" Notch	
MISC. Fiberglass WEEP HOLES var	
TILE & COPING	
TILE STD Choice COPING STD Choice Deck	
RBB Tilm Pkg 1	
MISC. Tilm Pkg 1	
5-TILE SEES AWAY 7" with Tiles at both ends	
PEBBLE TECH COLOR STD Choice	
ELECTRICAL BY Royal Pools	
MISC. PROpane	
GAS BY Royal Pools	
MISC. PROpane	
ADDITIONAL NOTES Pool RV & Start-Up	
Pool Decking By Owner	
24 Half-Cool Panels	
OWNER	
OWNER Bruce Burton	
ADDRESS 14601 Tumbleweed Ln	
CITY Royal Oaks, Ca	
PHONE 831-763-9888 fax 831-566-4232 6611	
APN 1 128-141-0100	
JOB DIRECTIONS	
S 101	
R San Manuel Canyon	
R Strawberry Rd	
R Hidden Valley Rd	
L Tumbleweed Ln	
1-31-08 SE	
APPROVED BY HAF PG. 1036 AS	

POOL SPECIFICATIONS



All barrier fences are to be a minimum of 60" in height and all gates to be self-closing and self-latching. Per Section 3151B and 3152B of the California Building Code.

Section Covers to be Anti-entrapment to comply with AB 2977

Title 24 Energy Standards

All Work to conform to 2007 CBC

Provide Bonding of All Metal Parts per CBC 980-22

SCOPE of Work
Building of Swimming Pool

Proposed Pool Site
scale 1/8" = 1'-0"



EXHIBIT F

LUAC MINUTES

Exhibit F

MINUTES

North County Coastal Land Use Advisory Committee
Monday, March 2, 2009

1. Meeting called to order by PETER NOWAK at 9:02 (a)pm

2. Roll Call

Members Present: PETER NOWAK, KEN WALKER, DAVID EVANS (3)

Members Absent: GREG BURCH, ED CENTENO (2)
APPROVAL OF MINUTES FOR JAN. 5 WITH CORRECTION - MOTION TO APPROVE EVANS, SECOND WALKER
VOTE: AYES EVANS, WALKER, ABSTAIN CENTENO

3. Approval of Minutes:

A. February 17, 2009 minutes WITH CORRECTION - (SEE ENCLOSED COPY @ 11:10)
CORRECTION HIGHLIGHTED

Motion: KEN WALKER (LUAC Member's Name)

Second: PETER NOWAK (LUAC Member's Name)

Ayes: NOWAK, WALKER (2)

Noes: 0

Absent: 2

Abstain: DAVID EVANS (ABSENT 2/17 MTG) (1)

4. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

MARIE KAY SUBMITTED AN ARTICLE FROM THE HERALD CONCERNING A COURT FINDING THAT UPHOLDS THAT AFFORDABILITY REQUIREMENTS FOR MORE COMO HOMES EXTEND IN PERPETUITY.

SHE REPORTED THAT THE COASTAL COMMISSION WILL CONSIDER CASTROVILLE'S UPDATED COMMUNITY PLAN ON MARCH 12TH

5. **Other Items:**
A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

NONE

B) Projects/Applications as scheduled below –please refer to the Project Referral Sheets which follow for each separate file.

6. Meeting Adjourned: 10:16 am/pm

Minutes taken by: DAVID EVANS

Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas CA
(831) 755-5025

Advisory Committee: North County Coastal

Please submit your recommendations for this application by **March 2, 2009**

Project Name: BURTON BRUCE & JEANNE KOPLOY
File Number: PLN080371
File Type: ZA
Project Location: 14601 TUMBLEWEED LN ROYAL OAKS
Project Planner: SPENCER
Area Plan: NORTH COUNTY LAND USE PLAN

Project Description: COMBINED DEVELOPMENT PERMIT CONSISTING OF 1) A COASTAL DEVELOPMENT PERMIT FOR THE INSTALLATION OF A 20 FOOT BY 50 FOOT (1,000 SQUARE FEET) INGROUND SWIMMING POOL WITH ASSOCIATED POOL DECKING AND EXCAVATION OF APPROXIMATELY 230 CUBIC YARDS WITHIN 100 FEET OF ENVIRONMENTALLY SENSITIVE HABITAT; AND 2) A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT ON A SLOPE EXCEEDING 25%. THE PROJECT IS LOCATED AT 14601 TUMBLEWEED LANE, ROYAL OAKS (ASSESSOR'S PARCEL NUMBER 129-141-071-000) NORTH COUNTY AREA, COASTAL ZONE.

Was the Owner/Applicant/Representative Present at Meeting? Yes No

MR BURTON PRESENTED HIS PROPOSAL TO THE COMMITTEE, DAVID EVANS AS THE ONLY MEMBER TO VISIT THE SITE HAD BEEN CONFUSED AS TO THE PROPOSED SITE OF THE POOL AND DID NOT SEE THE FLAGGING. HE WAS MUCH MORE AMENABLE TO THE PROJECT ONCE HE COULD SEE WHERE IT WOULD BE SITUATED.

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
<i>MARGIE KAY</i>	<i>MIGHT CAUSE THE</i>	<i>X</i>	<i>SHE HAS CONCERN THAT RAINFALL</i>
	<i>BELOW THE SITE,</i>	<i>POOL TO OVERFLOW AND ERODE THE HILLSIDE</i>	<i>MR BURTON SAID THAT THE COVER FOR</i>
	<i>THE POOL HAS A COLLECTION AND DRAIN FEATURE</i>		<i>SHE ALSO SUGGESTED THAT MOSQUITO ABATEMENT BE NOTIFIED</i>
	<i>IN CASE THE POOL SHOULD EVER FALL INTO DISUSE IT WOULD</i>		<i>BE POTENTIAL MOSQUITO BREEDING SPOT.</i>

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
EVANS WANTED TO KNOW THE CAPACITY AND HOW OFTEN IT WAS EXPLAINED THAT WITH PROPER MAINTENANCE REPLACEMENT, EVAPORATION AND PH BALANCING MIGHT REQUIRE MINIMAL ADDITION		WATER MIGHT BE CHANGED THE WATER WOULD NOT REQUIRE
OF WATER. EVANS ALSO WONDERED IF THE POOL WATER MIGHT BE AVAILABLE FOR FIRE SUPPRESSION IN THE AREA ON AN EMERGENCY BASIS. MR BURTON SAID HE		
WOULD NOT OBJECT BUT OTHERS POINTED OUT THAT THE PROXIMITY OF OTHER SOURCES (SLUGS) MAKE THE NEED UNLIKELY.		

ADDITIONAL LUAC COMMENTS

MR GONZALES, THE COUNTY'S REPRESENTATIVE SAID THAT ALL MEMBERS OF THE LUAC ARE ENCOURAGED TO VISIT SITES BUT NEVER IN NUMBERS THAT TOGETHER WOULD BE A QUARUM (IN OUR CASE 3 OR MORE) AND THAT MEMBERS OF THE PUBLIC SHOULD NOT ACCOMPANY LUAC MEMBERS.

RECOMMENDATION :

Motion by KEN WALKER (LUAC Member's Name)

Second by PETER NOWAK (LUAC Member's Name)

- Support Project as proposed
- Recommend Changes (as noted above)
- Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: EVANS, NOWAK, WALKER (3)

NOES: (0)

ABSENT: BURCH, CENTENO (2)

ABSTAIN: 0

EXHIBIT G

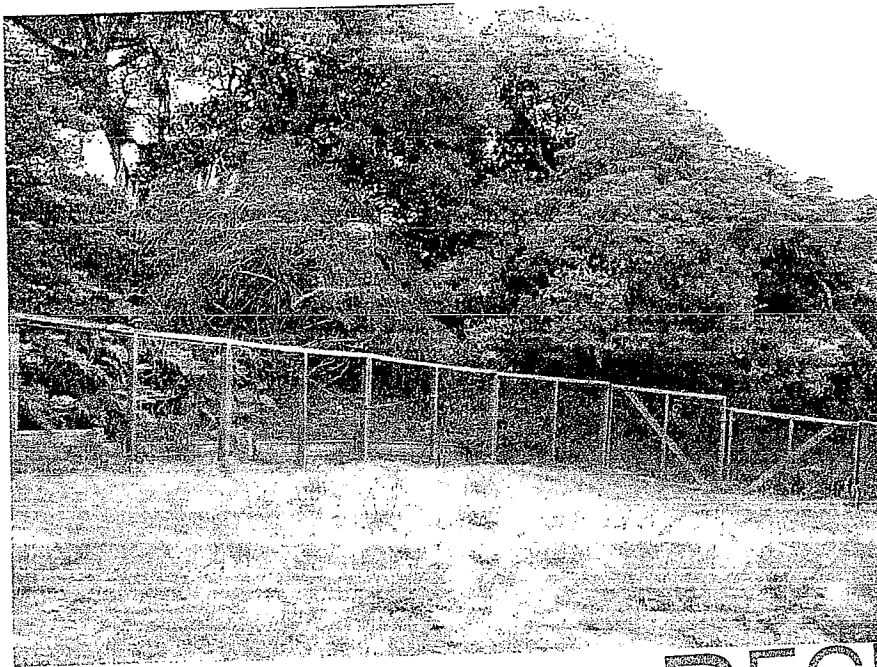
BIOLOGICAL REPORT

LIB090100
PLN 080371

Exhibit G

Burton Property
14601 Tumbleweed Lane, Royal Oaks
Monterey County

Focused Botanical Survey



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AUG 01 2008

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT.

Biotic Resources Group

Biotic Assessments ♦ Resource Management ♦ Permitting

Biotic Resources Group

Biotic Assessments ♦ Resource Management ♦ Permitting

Burton Property
14601 Tumbleweed Lane, Royal Oaks
Monterey County

Focused Botanical Survey

Prepared for:

Bruce Burton

Prepared by:

Biotic Resources Group
Kathleen Lyons, Plant Ecologist

May 26, 2008

FOCUSED BOTANICAL SURVEY

BURTON PROPERTY (APN 129-141-071) 14601 TUMBLEWEED LANE, MONTEREY COUNTY

INTRODUCTION

The Biotic Resources Group conducted a botanical assessment for a proposed swimming pool on the Burton property in May 2008. The property is located at the end of a private road/driveway off Tumbleweed Lane, a private road accessed from Hidden Valley Road in the Prunedale area of northern Monterey County.

Specific tasks conducted for this study include:

- Identify sensitive biotic resources, including species of concern, within the areas proposed for the swimming pool, including equipment access, and
- Evaluate the potential effects of the proposed work, and associated infrastructure, on sensitive botanical resources and recommend measures to avoid or reduce such impacts.

Intended Use of this Report

The findings presented in this biological report are intended for the sole use of Bruce Burton and the County of Monterey in evaluating the proposed placement of a swimming pool on the subject property. The findings presented by the Biotic Resources Group in this report are for information purposes only; they are not intended to represent the interpretation of any State, Federal or County laws or ordinances pertaining to permitting actions within sensitive habitat or endangered species. The interpretation of such laws and/or ordinances is the responsibility of the applicable governing body.

PROPOSED PROJECT

The property owner proposes to construct a swimming pool on the approximately 5-acre property. The development would occur within a mostly fenced yard, as depicted on the pool plans (Royal Pools (1/08) and Partial Site Plan (Baseline Land Surveyors, Inc., 4/08). Construction access would be provided through either a grassy area from the existing driveway or along an old roadway within the oak woodland. Gas and electric service to the pool area would be through existing residentially developed areas of the property.

STUDY METHODOLOGY

Kathleen Lyons, plant ecologist, conducted the botanical assessment of the proposed swimming pool area on May 23, 2008. Study methodology included one field reconnaissance survey, literature review, and accessing electronic databases. Literature and data base searches included the California Natural Diversity Data Base (CNDDDB) "Rare Find" (2008) and California Native Plant Society (CNPS) Rare Plant Electronic Inventory (2008) for the Prunedale quadrangle and surrounding eight quadrangles.

Prior to conducting the field survey, a potential list of special status or sensitive plant species was prepared for the project area, utilizing species recognized by California Department of Fish and Game, U.S. Fish and Wildlife Service and California Native Plant Society. The field survey was

conducted to document the botanical resources within the expected project work area, including two possible construction access areas. The *Jepson Manual* (Hickman, 1993) and *An Illustrated Field Key to the Flowering Plants of Monterey County* (Matthews, 1997) were the principal taxonomic references.

ENVIRONMENTAL SETTING

The Burton property lies near the junction of two geographic areas known as the Central Coast Region and the South Coast Range (Hickman, 1993). Wet winters and dry summers characterize the project area. The greater project area is characterized by rural residential development; a mosaic of maritime chaparral/oak woodland dominates the hillsides, interspersed with non-native plantings and tree groves. The Burton property lies within a geographic area known for its occurrence of endemic plant species (i.e., plant species native and restricted to a geographic area), many of which occur within this mosaic of chaparral and oak woodland. The site is located on the ridge south of Swiss Canyon.

The proposed swimming pool area (including construction access areas) supports two primary natural plant communities: oak woodland/maritime chaparral complex and non-native grassland. Almost all of the pool area lies within a fenced non-native grassland (yard). Oak woodland/chaparral abuts this grassy yard growing on the hillside east and south of the fenced yard. Land west of the fenced yard is non-native grassland and patches of chaparral. Iceplant landscaping is also present.

The oak woodland and maritime chaparral was found to support Pajaro manzanita (*Arctostaphylos pajaroensis*), a rare shrub species.

Non-Native Annual Grassland

The grassland (fenced yard and construction access area between yard and driveway) is dominated by non-native grasses and forbs. Common species include soft chess (*Bromus hordeaceus*), rattail fescue (*Vulpia myuros*), wild oat (*Avena sp.*), ripgut brome (*Bromus diandrus*), wild mustard (*Brassica sp.*), Bermuda grass (*Cynodon dactylon*), filaree (*Erodium botrys*), and rattlesnake grass (*Briza maxima*). Occasional species that were observed include filago (*Filago gallica*), cat's ear (*Hypochoeris radicata*), bur clover (*Medicago polymorpha*), European hairgrass (*Aria caryophyllea*), sand spurry (*Spergula arvensis*), bur clover (*Medicago polymorpha*), windmill pink (*Silene gallica*), sheep's sorrel (*Rumex acetosella*), English plantain (*Plantago lanceolata*), California poppy (*Eschscholzia californica*), and telegraph weed (*Heterotheca grandiflora*). Young sprouts of shrubs and subshrubs were also evident, including poison oak (*Toxicodendron diversilobum*), deerweed (*Lotus scoparius*), and coyote brush (*Baccharis pilularis*). The slope west of the fenced yard also supports iceplant (*Carpobrotus sp.*).

The grassland within the fenced yard is depicted in Figure 1.

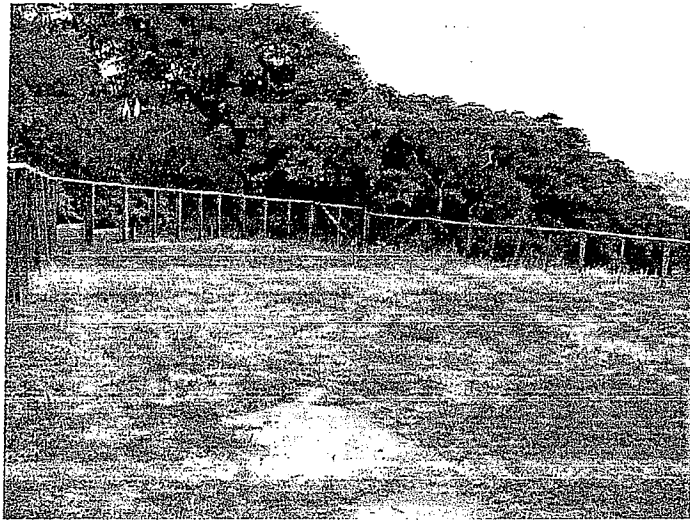


Figure 1. View of grassland within fenced yard; proposed swimming pool area. May 2008

Oak Woodland/ Central Maritime Chaparral Complex

The slopes of the property support a mosaic of oak woodland and maritime chaparral. The otherwise grassy slope west of the fenced yard also supports patches of chaparral (Pajaro manzanita and coyote brush).

Within the wooded area, trees of coast live oak (*Quercus agrifolia*) are present, with an understory of poison oak, California blackberry (*Rubus ursinus*), coffee berry (*Rhamnus californica*), Pajaro manzanita, Monterey manzanita (*Arctostaphylos tomentosa* ssp. *bracteosa*), bracken fern (*Pteridium aquilinum*), toyon (*Heteromeles arbutifolia*), sticky monkey flower (*Mimulus aurantiacus*), wild lilac (*Ceanothus thrysiflorus*) and black sage (*Salvia mellifera*). Due to the dense shrubs, herbaceous plant cover is sparse, however, in some small openings, species of sedge (*Carex* sp.), melic grass (*Melica* sp.), yerba buena (*Satureja douglasii*), sanicle (*Sanicula* sp.), wild cucumber (*Marah fabaceus*), and hedge nettle (*Stachys* sp.) were evident.

The more mesic areas within the oak canopy support a dense growth of California blackberry (*Rubus ursinus*), Italian thistle (*Carduus pycnocephalus*), poison oak, snowberry (*Symphoricarpos albus*), and bracken fern (*Pteridium aquilinum*). The oak trees are of mixed sizes; several are large, multi-trunked trees; the location of these trees is depicted on the pool plan.

The oak/chaparral also supports occurrences of pampas grass (*Cortaderia jubata*) and Italian thistle two invasive, non-native plant species.

A typical view of the oak woodland/maritime chaparral around the proposed pool area is presented in Figure 2. Figure 3 depicts patches of Pajaro manzanita along the proposed construction access area.



Figure 2. View of oak woodland/maritime chaparral complex at edge of proposed pool. May 2008.

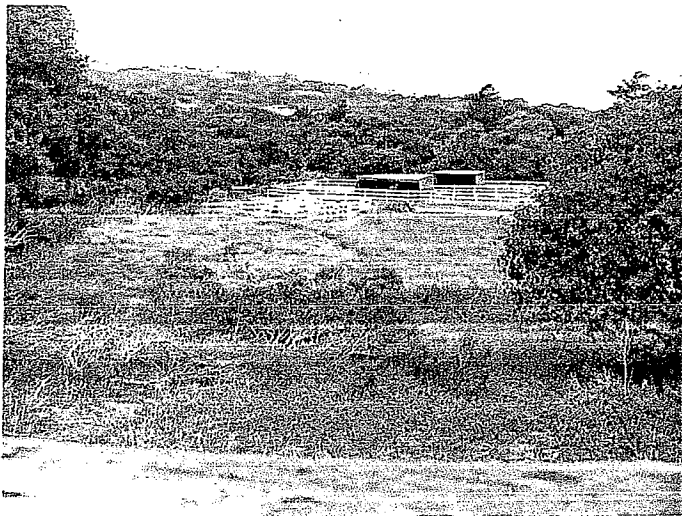


Figure 3. View of area down slope of proposed pool area, showing construction access area. May 2008

SENSITIVE BOTANICAL RESOURCES

Sensitive Habitats

Sensitive habitats are defined by local, State, or Federal agencies as those habitats that support special status species, provide important habitat values for wildlife, represent areas of unusual or regionally restricted habitat types, and/or provide high biological diversity.

The Burton property was observed to support one sensitive plant community: oak woodland/central maritime chaparral mosaic; this community is designated as a high priority for preservation by CDFG. The community is also recognized as sensitive by Monterey County due to its limited distribution in the State and the County and the known or potential to support special status plant species. On the subject property, the oak woodland/maritime chaparral complex was confirmed to support a special status plant species: Pajaro manzanita.

Special Status Plant Species

The botanical assessment for the Burton property focused on special status plant species that are officially listed by the State and/or Federal government and/or on CNPS List 1B (CDFG, 2008). Of the special status plant species believed to have the potential to occur in the project vicinity (see Table 1) only one special status plant species was observed during the May 2008 survey: Pajaro manzanita. The manzanita species is a dominant shrub within the oak woodland/chaparral mosaic and also occurs as isolated patches in the grassland west of the fenced yard.

No other special status plant species were observed on the property, based on the May survey. This survey was conducted during the blooming season of most special status species (i.e., spineflower), yet none were detected. A discussion of plant species searched for and observed within the survey area on the property is provided in Table 1.

Table 1. List of Special Status Plant Species Evaluated for Potential to Occur in the Vicinity of the Burton Property, Monterey County, California

Species	CNPS	State Status	Federal Status	Habitat Type	Known or Potential to Occur on Site?
Hooker's manzanita (<i>Arctostaphylos hookeri</i>)	List 1B	None	None	Sandy soils, maritime chaparral	Not observed on site. Known from Castroville Boulevard area, Ft. Ord and southern Santa Cruz County
Pajaro manzanita (<i>Arctostaphylos pajaroensis</i>)	List 1B	None	None	Sandy soils, maritime chaparral	Observed on site. Also known from Manzanita Park area and Long Valley area
Congdon's tarplant (<i>Centromadia parryi</i> ssp. <i>congdonii</i>)	List 1B	None	None	Moist grasslands, alkaline depressions	No suitable habitat. Known from Salinas area
Monterey spineflower (<i>Chorizanthe pungens</i> var. <i>pungens</i>)	List 1B	None	Threatened	Sandy soils, maritime chaparral	Not observed; suitable habitat in open, sandy areas within chaparral. Known from Manzanita Park area.
Robust spineflower (<i>Chorizanthe robusta</i> var. <i>robusta</i>)	List 1B	None	Endangered	Sandy soils, maritime chaparral	Not observed. Potential habitat in open, sunny areas within chaparral
Eastwoods goldenbush (<i>Ericameria fasciculata</i>)	List 1B	None	None	Sandy openings in maritime chaparral, pine forests, coastal scrub	Not observed. Potential habitat in chaparral. Known from Manzanita Park
Fragrant fritillary	List 1B	None	None	Grasslands near	Not observed.

Table 1. List of Special Status Plant Species Evaluated for Potential to Occur in the Vicinity of the Burton Property, Monterey County, California

Species	CNPS	State Status	Federal Status	Habitat Type	Known or Potential to Occur on Site?
<i>(Fritillaria liliacea)</i>				coast	
Santa Cruz tarplant <i>(Holocarpha macradenia)</i>	List 1B	Endangered	Threatened	Coastal terrace grasslands	No suitable habitat. Known from Porter Ranch near Hall Road and Elkhorn Road
Yadon's rein orchid <i>(Piperia yadonii)</i>	List 1B	None	Endangered	Sandstone and sandy soils in maritime chaparral, pine forests, coastal scrub	Potential habitat in open areas amid manzanita within chaparral. Not observed on subject property. Known from Manzanita Park area and near Elkhorn and Hall Rds.
Pine rose <i>(Rosa pinetorum)</i>	List 1B	None	None	Close cone pine forests, moist areas	Potential habitat in chaparral, but not observed. Known from Manzanita Park

CNPS Status:

List 1B: These plants (predominately endemic) are rare through their range and are currently vulnerable or have a high potential for vulnerability due to limited or threatened habitat, few individuals per population, or a limited number of populations. List 1B plants meet the definitions of Section 1901, Chapter 10 of the CDF&G Code.

Pajaro Manzanita. The Pajaro manzanita is recognized as rare by the California Native Plant Society (List 1B). Although not officially listed under the federal or state endangered species act, Monterey County considers the species rare. The Pajaro manzanita is limited to inland sand deposits in chaparral and coast live oak woodlands within the central portion of California, primarily in Monterey County. Historical occurrences in Santa Cruz and Santa Clara County are believed to be extirpated. According to records maintained by the CNDDDB, Pajaro manzanita is known from several locations in the project vicinity, including the Long Canyon area, Pesante Road, McGuffie Road, Moro Road, San Miguel Canyon Road, Vierra Canyon Road and Royal Oaks Park. The species also occurs within Manzanita County Park along Castroville Boulevard.

The oak woodland/chaparral mosaic on the property supports dense stands of this manzanita species.

Hooker's Manzanita. Hooker's manzanita is recognized as rare by the California Native Plant Society (List 1B). The species is not listed as endangered or threatened under the State or Federal endangered species acts, but is considered rare by Monterey County. This manzanita is limited to inland sand deposits in chaparral and coast live oak woodlands within southern Santa Cruz County and portions of northern Monterey County. According to records maintained by the

CNDDDB, there are no recorded occurrences of this species from the Prunedale quadrangle, yet the species has been recorded in CNDDDB notes as occurring in Manzanita Park and Blohm Ranch, where it grows with Yadon's piperia and Pajaro manzanita. No individuals of Hooker's manzanita were observed on the property.

Monterey Spineflower. The Monterey spineflower typically grows in loose sandy areas in chaparral, mixed woodland/chaparral mosaics and coastal dune scrub. It is an annual plant that is visible in later spring and summer. The chaparral and sandy grassland on the property was observed to have suitable habitat for this species; however, no individuals were observed on the property during the May survey. The survey was conducted during the blooming season for this species, yet none were detected.

Robust Spineflower. This species grows in sandy soils within Monterey and Santa Cruz Counties. Its low-growing habit and spiny bracts surrounding the flowers characterize this member of the buckwheat family. The species tends to occur open sandy areas. The chaparral and sandy grassland on the property was observed to have suitable habitat for this species; however, no individuals were observed on the property during the May survey. The survey was conducted during the blooming season for this species, yet none were detected.

Yadon's Piperia. This perennial species grows from a bulb-like tuber in sandstone and sandy soils in maritime chaparral, pine forests, and coastal scrub habitats in Monterey County. It typically blooms between May and August in open, sunny areas. It is known from Manzanita Park and nearby areas where the spikes of plants grow up through prostrate mats of Hooker's manzanita. Yadon's piperia is also known from Blohm Ranch, near Elkhorn Road and Hall Road, growing in maritime chaparral. No individuals of this species were observed on the Burton property during the May survey.

IMPACT ANALYSIS AND RECOMMENDATIONS

IMPACT CRITERIA

The thresholds of significance presented in the CEQA Guidelines were used to evaluate project impacts and to determine if pool construction, including construction access, would pose significant impacts to sensitive habitat/ resources. For this analysis, significant impacts are those that substantially affect either:

- A species (or its habitat) listed or proposed for listing by State or Federal governments as rare or endangered (none observed),
- A plant considered rare (i.e., List 1B) by CNPS (e.g., Pajaro manzanita),
- Wetlands under jurisdiction of Section 404 of the Clean Water Act (none observed),
- A habitat regulated by State or Federal law (none observed), or
- A resource recognized as sensitive by Monterey County policies or ordinances (e.g., maritime chaparral, oak woodland).

Impacts were not considered significant to vegetation communities or habitats that are not protected, are generally common, and do not support listed, candidate or special concern species. For the Burton property impacts to the non-native grassland were not considered to pose significant impacts to botanical resources.

POTENTIAL PROJECT IMPACTS AND RECOMMENDED ACTIONS

The proposed swimming pool project was evaluated as to potential direct and indirect impacts to sensitive resources. As depicted on the site plan, no oak trees or Pajaro manzanita shrubs will be directly affected by the proposed pool construction. Two patches of scrub, supporting Pajaro manzanita occur near the construction access area. Indirect impacts to trees/shrubs may occur where site grading and construction access occurs in close proximity to trees and shrubs that are to be retained

No significant impacts to sensitive botanical resources are expected with incorporation of the following construction best management practices (BMP's):

BMP 1: Avoid impacts to all oak trees and Pajaro manzanita Shrubs. Layout the construction access and pool construction area to avoid removal of all oak trees and Pajaro Manzanita shrubs. Prior to grading and construction, protect oak trees and manzanita shrubs that are within 20 feet of grading and/or construction access by placing plastic protection fencing (i.e., plastic construction mesh fencing with metal t-bars) at the limit of work. Place protective fencing around the isolated manzanita patches that are located west of the fenced yard. The fencing should be in place prior to any site grading or other disturbances. All undisturbed areas should be preserved. When all site construction is complete, the temporary fencing can be removed.

BMP 2: Use care during excavation. During ground excavation all roots greater than 2 inches in diameter should be hand-cut (instead of being cut by a mechanical trencher, grader, or excavator). Hand cutting of roots will minimize impacts to shrubs and trees adjacent to construction.

BMP 3. Implement erosion control revegetation after construction. Revegetate areas disturbed by construction with a native erosion control seed mix suitable for sandy substrates. If any Pajaro manzanita shrubs are inadvertently impacted during construction implement a revegetation program to replace impacted shrubs at a 3:1 replacement ratio. Obtain replacement plants from a native plant nursery. Maintain installed plants to ensure survival (weeding and temporary irrigation in Year 1-2), attaining 100% survival for a minimum of 5 years.

REFERENCES AND LITERATURE CITED

- California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California. Electronic Database, Prunedale quadrangle and eight surrounding quadrangles.
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EXHIBIT H

GEOTECHNICAL REPORT

PLN080371
LIB090099



AMSO CONSULTING ENGINEERS
SOILS, FOUNDATIONS & ENVIRONMENTAL ENGINEERING

1478 B STREET, SUITE 1C, HAYWARD, CALIFORNIA 94541
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December 3, 2007
Project 3463

Mr. Bruce Burton
14601 Tumbleweed Lane
Watsonville, California 95076

Subject: Geotechnical Investigation for
Swimming Pool at 14601 Tumbleweed Lane
Watsonville, California

Dear Mr. Burton:

This letter presents our proposed scope of work, schedule and corresponding fee to perform a geotechnical investigation for the swimming pool proposed for construction within the property located at 14601 Tumbleweed Lane in Watsonville, California.

This report presents the results of our geotechnical investigation for the swimming pool proposed for construction within the side yard of your property located at 14601 Tumbleweed Lane in Watsonville, California. The purpose of this investigation is to prepare geotechnical recommendations for the design and construction of the proposed swimming pool.

SCOPE OF WORK

We performed the following work for this geotechnical investigation.

1. Reviewed geologic and geotechnical information in our files pertinent to the site and the surrounding area.
2. Explored, sampled and classified foundation soils by means two small diameter exploration drill hole.
3. Performed laboratory test on selected soil samples obtained from the exploration holes to determine their index and engineering characteristics.
4. Review and analysis of the information collected above.
5. Developed site seismic characteristics, zone factor (Z) and seismic near-source factors (N_a and N_v) for site structure resonance in accordance with the 1997 Uniform Building Code.

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PLANNING & BUILDING
INSPECTION DEPT.

December 3, 2007

Project 3463

6. Prepared this report summarizing our findings, conclusions, and geotechnical recommendations.

FINDINGS

Surface Conditions

The property is located along the north side of Tumble Weed Lane in the Elkhorn area of Watsonville, California. The building pad and the side yards appear to have been created by cutting and filling into a hillside. The property is bounded by residential properties. The property and general vicinity slopes down to the south and southwest at a gradient of about (about 5:1 horizontal to vertical) a ground elevation of about 325 feet based on the U.S.G.S Topographic Maps.

At the time of our geotechnical investigation of this site, the property was occupied by a single family house, barn and other structures. The swimming pool is proposed for construction on a level cut/fill pad that was previously prepared along with the building pad.

Subsurface Conditions

Subsurface conditions at the site for the proposed swimming pool were explored by means of two small diameter exploration borings. The exploration borings were advanced to a depth of between 10 feet (boring B-2) and 15 feet (boring B-1) below existing ground surface. Within the depth of our exploration, the native soils at the site consist of silt and sand.

A surface layer of fill ranging in thickness between about 6 feet and about 8 feet was encountered in both of our exploration holes. This layer of fill consists of silty sand (SM) of low plasticity and low potential for expansion. Below this layer of fill the site is underlain by silty fine sand (SM) of medium dense consistency that extends to the maximum depth of our exploration of 15 feet.

No ground water was encountered in any of our exploration borings at the time of this geotechnical investigation.

The descriptions given above pertain only to the subsurface conditions found at the site at the time of our subsurface exploration in November of 2007. Subsurface conditions, particularly ground water levels and the consistency of the near-surface soils, will vary with the seasons.

Detailed descriptions of the materials encountered in the borings are given on the appended boring logs together with the results of some of the laboratory tests performed on selected samples obtained from the drill holes.

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Seismic Considerations

This site is located within the seismically active San Francisco Bay region. Type A and Type B faults close to the site are listed in the following table.

Fault	Type	Maximum Moment Magnitude	Slip Rate (mm/yr)	Distance	
				(miles)	(km)
SAN ANDREAS (1906)	A	7.9	24	7	11
ZAYANTE-VERGELES	B	6.8	0.1	3.6	5.8
RINCONADA	B	7.3	1	11	18
SARGENT	B	6.8	3	11	18
SAN ANDREAS (Creeping)	B	6.5	34	12	19
MONTEREY BAY - TULARCITOS	B	7.1	0.5	15	24
CALAVERAS (So.of Calaveras)	B	6.2	15	16	26

Seismic hazards can be divided into two general categories, hazards due to ground rupture and hazards due to ground shaking. Since no active faults are known to cross this property, the risk of earthquake-induced ground rupture occurring across the project site appears to be remote.

Should a major earthquake occur with an epicentral location close to the site, ground shaking at the site will undoubtedly be severe, as it will for other property in the general area. Even under the influence of severe ground shaking, the soils that underlie the area proposed for development are unlikely to liquefy.

The following general site seismic parameters may be used for design in accordance with the 1997 Uniform Building Code.

Seismic Zone: 4
 Soil Type: Sc: Very Dense Soil and Soft Rock
 Seismic Source: Type A; (San Andrea); 11 km
 Type B; (Zayante - Vergeles); 5.8 km
 Near Source Factors: Consistent with source type A of distance of 11 km and for source type B of distance of 5.8 km
 N_a: 1.00
 N_v: 1.17

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We should point out that the structural seismic design is not intended to eliminate damage to a structure. The goal of the design system is to minimize the loss of human life. It is unlikely that any structure can be designed to withstand the forces of a great earthquake without any damage at all.

CONCLUSIONS AND RECOMMENDATIONS

The most geotechnical concern about this site is the presence of considerable amount of fill soils placed on steep slopes. This fill soil is of loose and medium dense consistency. The steep nature of the site combined with the loose to medium consistency of the fill soil will cause differential movement to structures constructed on top of them. To minimize the potential effects of this fill soil on the proposed pool we recommend that it should be supported on reinforced concrete piers and beam foundation.

The site is suitable for the proposed construction of the swimming pool and spa provided the recommendations presented in this report are followed in the design and construction.

The following recommendations, which are presented as guidelines to be used by project planners and designers, have been prepared assuming **AMSO CONSULTING ENGINEERS** will be commissioned to review the grading and foundation plans prior to construction, and to observe and test during site grading and foundation construction. This additional opportunity to inspect the project site will allow us to compare subsurface conditions exposed during construction with those that were observed during this investigation.

Site Preparations, Grading and Compaction

Areas of the site that will be occupied by the swimming pool, spa and concrete pavements should be stripped to remove any surface vegetation, organic topsoil and trees. Soils containing more than 2% by weight of organic matter should be considered organic. Stripping depths should be determined in the field by the Soils Engineer at the time of stripping but, for planning purposes, an average stripping depth of 3 inches may be assumed. Strippings should be wasted off-site or stockpiled for subsequent use in landscape areas.

Soil surfaces exposed by stripping of organic soils and by excavation of the pool should be scarified to a depth of 12 inches, conditioned with water (or allowed to dry, as necessary) to produce a soil water content of at least 3 percent above the optimum value and then compacted to no more than 90 percent relative compaction based on ASTM Test D1557-91.

Structural fill (if needed) may then be placed up to design grades in the proposed building and pavement areas. Structural fill using on-site inorganic soil, or approved import, should be placed in layers, each not exceeding 8 inches thick (before compaction), conditioned with water (or **AMSO CONSULTING ENGINEERS**

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allowed to dry, as necessary) to produce a soil water content of about 3 percent above the optimum value, and then compacted to 90 percent relative compaction based of ASTM Test D1557-91.

Structural fill placed on sloping ground should be keyed in accordance with the CALTRANS STANDARD SPECIFICATIONS, latest edition. The following excerpt from subsection 19-6.01 of those specifications is pertinent:

"When embankment is to be made and compacted on hillsides....the slopes of original hillsides....shall be cut into a minimum of 6 feet horizontally as the work is brought up in layers. Material thus cut out shall be compacted along with the new embankment material....."

The toe key for structural fill placed on sloping ground should be at least 8 feet wide with its base horizontal or gently sloping back into the hillside. Fill and cut slopes should be constructed no steeper than 2:1 (horizontal to vertical).

On-site soils proposed for use as structural fill should be inorganic, free from deleterious materials, and should contain no more than 15% by weight of rocks larger than 3 inches (largest dimension) and no rocks larger than 6 inches. The suitability of existing soil for reuse as a structural fill should be determined by a member of our staff at the time of grading. We expect that most of the existing soil will be suitable for reuse as structural fill. If import is required for use as structural fill, it should be inorganic, should preferably have a low expansion potential and should be free from clods or rocks larger than 4 inches in largest dimension. Prior to delivery to the site, proposed import should be tested in our laboratory to verify its suitability for use as structural fill and, if found to be suitable, further tested to estimate the water content and density at which it should be placed.

Retaining Walls

The following may be used in the design calculations for any retaining wall that may be constructed at this site.

1. The average bulk density of material placed on the backfill side of the wall will be 120 pcf.
2. The vertical plane extending down from the ground surface to the bottom of the heel of the wall will be subject to pressure that increases linearly with depth. An active pressure of at least 55 pounds per square foot per foot should be used for walls that are not restrained to move. An at-rest lateral pressure of 70 pounds per square foot per foot should be used for walls that are restrained from movement.

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3. The effects of earthquakes may be simulated by applying a horizontal line load surcharge to the stem of the wall at a rate of $14 H^2$ lb/horizontal foot of wall, where H is the height of the surface of the backfill above the base of the wall. This surcharge should be applied at a height of $0.6H$ above the base of the wall.
4. A coefficient of "friction" of 0.35 may be used to calculate the ultimate resistance to horizontal sliding of the wall base over the ground beneath the base.
5. An equivalent fluid pressure of 350 psf/ft may be used to calculate the ultimate passive resistance to lateral movement of the ground in front of the toe of the wall and in front of any "key" beneath the toe or stem of the wall.
6. All retaining walls should be supported on reinforced concrete foundation piers. Piers should be spaced at least 3 diameters apart (center to center) but no more than 8 feet apart. The allowable load-carrying capacity (dead plus normal live loads) of each pier may be calculated assuming "skin friction" or adhesion of 400 psf between the shaft of the pier and the adjacent soil. The top 5 feet of pier embedment should be ignored and "End bearing" should also be ignored.

The depth of embedment of piers should be designed to resist a lateral creep pressure equivalent to 55 pounds per cubic foot acting on the top 5 feet of piers and across at least 2.5 pier diameters. A passive resistance of 350 pounds per cubic foot may be used. The actual depth of embedment of the piers should be decided by the Soils Engineer in the field at the time of drilling of the pier holes. For planning purposes, however, it may be assumed that the average required embedment will be 15 feet below existing grade for piers.

The allowable foundation pressures given previously may be increased by one-third when considering additional short-term wind or seismic loading.

A zone of drainage material at least 18 inches wide should be placed on the backfill side of walls designed for drained condition. This zone should extend up the back of the wall to about 18 inches down from the proposed ground surface above. The upper 18 inches or so of material above the drainage material should consist of native, clayey soil.

The drainage material and the clayey soil cap should be placed in layers about 6 inches thick and moderately compacted by hand-operated equipment to eliminate voids and to minimize post-construction settlement. Heavy compaction should not be applied; otherwise, the design pressure on the wall may be exceeded.

The drainage material should consist of either Class 2 Permeable Material complying with Section 68 of the CALTRANS Standard Specifications, latest edition, or 3/4 to 1½ inch clean, durable

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coarse aggregate. If the coarse aggregate is chosen as the drainage material, it should be separated from all adjacent soil by Mirafi 700X or a similar filter fabric approved by the project Soil Engineer.

Any water that may accumulate in the drainage material should be collected and discharged by a 4-inch-diameter, perforated pipe placed "holes down" near the bottom of the drainage material. The perforated pipe should have holes no larger than 1/4-inch diameter.

Swimming Pool

The following may be used in the design calculations for the swimming pool walls.

1. The average bulk density of material placed on the backfill side of the wall will be 120 pcf.
2. The vertical plane extending down from the ground surface to the bottom of the heel of the wall will be subject to an active pressure of 55 pounds per square foot per foot that increases linearly with depth.
3. We recommend the pool be supported on reinforced concrete piers. Recommendation for reinforced concrete pier foundations presented in the foundation section of this report should be followed. Piers depth should be designed by the structural engineer for the vertical and lateral support and should extend to a depth of at least 10 feet below the deep end of pool and at least 12 feet below the shallow end of the swimming pool.
4. Piers should be spaced at least 3 diameters apart (center to center) but no more than 8 feet apart.

Swimming Pool and Spa Sub-surface Drainage

Considering the proximity of the proposed pool and spa to a steep and high slope, and to minimize the potential effect of slope saturation and failure in the unlikely event of pool leakage, the proposed swimming pool and spa should be underlain by a blanket drain consisting of either Class 2 Permeable Material complying with Section 68 of the CALTRANS Standard Specifications, latest edition, or 3/4 to 1 1/2 inch clean, durable coarse aggregate. If the coarse aggregate is chosen as the drainage material, it should be totally encapsulated with Mirafi 700X or a similar filter fabric approved by the project Soil Engineer.

The blanket drain should be at least 6 inches thick. Any water that may accumulate in the blanket drainage material should be collected and discharged by at least 4-inch-diameter, perforated pipe placed "holes down" near the bottom of the drainage material. The perforated pipe should have holes no larger than 1/4-inch diameter. This perforated pipe should be connected to a solid pipe (no perforations) outside the limits of the swimming pool and spa.

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Concrete Slabs-On-Grade

Concrete slabs should be constructed on compacted soil subgrades prepared as described in the section on Site Preparation, Grading and Compaction.

Exterior slabs, such as for patios, should be cast on a layer of Class 2 Aggregate Base at least 6 inches thick and compacted to at least 90% relative compaction as described in the section for site preparation, grading and compaction. Conventional construction using wire mesh is acceptable, but slabs will perform longer with less cracking if the following is done.

1. Reinforce slabs using a minimum of #4 bars at 18" centers, both directions.
2. Keep slab sections small, on the order of 8' to 10'. Slabs without construction joints at frequent spacing are more likely to crack in an uncontrolled manner.
3. Dowel adjacent slab sections together.
4. Slope slabs away from the building foundations and towards appropriate collection and discharge points.

The above items of work will greatly improve the lifetime of the concrete flatwork. Cracking may still appear, but it should be minimal and acceptable in appearance (i.e. along construction joints).

Utility Trenches

The attention of contractors, particularly the underground contractor, should be drawn to the requirements of California Code of Regulations regarding Safety Orders for "Excavations, Trenches, Earthwork".

For purposes of this section of the report, bedding is defined as material placed in a trench up to 1 foot above a utility pipe and backfill is all material placed in the trench above the bedding.

Unless concrete bedding is required around utility pipes, free-draining sand should be used as bedding. Sand proposed for use in bedding should be tested in our laboratory to verify its suitability and to measure its compaction characteristics. Sand bedding should be compacted by mechanical means to achieve at least 90 percent compaction density based on ASTM Tests D1557-91.

Approved, on-site, inorganic soil, or imported material may be used as utility trench backfill. Proper compaction of trench backfill will be necessary under and adjacent to structural fill, building foundations, concrete slabs and vehicle pavements. In these areas, backfill should be conditioned with water (or allowed to dry) to produce a soil-water content of about 3 percent above the optimum value and placed in horizontal layers not exceeding 6 inches in thickness (before compaction). Each

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layer should be compacted to 90 percent relative compaction based of ASTM Test D1557-91.

Where any trench crosses the perimeter foundation line of any building, the trench should be completely plugged and sealed with compacted clay soil for a horizontal distance of at least 2 feet on either side of the foundation.

Surface Drainage

Surface drainage gradients should be planned to prevent ponding and to promote drainage of surface water away from building foundations, slabs, edges of slopes and pavements and sidewalks, and towards suitable collection and discharge facilities.

Water seepage or the spread of extensive root systems into the soil subgrades of foundations, slabs, or pavements, could cause differential movements and consequent distress in these structural elements. This potential risk should be given due consideration in the design and construction of landscaping.

Providing adequate surface and subsurface drainage is of great importance, as most hillside structures are generally prone to drainage problems. Also, all site drainage waters should be handled and discharged in a legal, prudent, reasonable and proper manner so as not to create a nuisance, risk or hazard to this property or adjoining properties.

All runoff waters including all downspouts, patio, parking and driveway drainage, and all other drainage should be collected in closed solid pipes with periodic cleanouts and discharged into legally approved area storm drain systems.

If the above is not totally practical or feasible, then all site drainage waters should be discharged well away from edge of pavements and all building foundation areas. Care should be used so that drainage waters are not concentrated and discharged on adjacent properties. Site drainage waters should be well dispersed in as natural a manner as possible and should not be discharged in a concentrated manner if a legally-approved storm drain system is not present.

It should be noted that moisture is usually present under most structures with raised floors and basements as surface and subsurface waters flow from higher surrounding elevations. To minimize the amount of moisture under a structure, a sub-surface drainage system may be constructed around the perimeter of the structure. The building designer and contractor should very carefully consider and provide for drainage waters that might flow into and be trapped in the foundation crawl space and basement areas and also consider potential higher humidity and very good cross-ventilation.

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The above site drainage recommendations are general in nature and should be carried out by the house designer, contractor, owner, and future owners to the fullest possible extent. However, from many years of soil engineering experience within Northern California, we have found that water and moisture below most structures is relatively common. Therefore, we suggest that if the owner desires assurance with respect to site drainage, an expert in the field of hydrology and drainage should be retained to prepare specific recommendations.

Follow-up Geotechnical Services

Our recommendations are based on the assumption that AMSO CONSULTING ENGINEERS will be commissioned to perform the following services.

1. Review final grading and foundation plans prior to construction.
2. Observe, test and advise during any grading and placement of structural fill.
3. Observe and advise during swimming pool construction.
4. Observe, test and advise during utility trench backfilling

LIMITATIONS

The recommendations contained in this report are based on certain plans, information and data that have been provided to us. Any change in those plans, information and data will render our recommendations invalid unless we are commissioned to review the change and to make any necessary modifications and/or additions to our recommendations.

Subsurface exploration of any site is necessarily confined to selected locations. Conditions may, and often do, vary between and around such locations. Should conditions different from those encountered in our explorations come to light during project development, additional exploration, testing and analysis may be necessary; changes in project design and construction may also be necessary.

Our recommendations have been made in accordance with the principles and practices generally employed by the geotechnical engineering profession. This is in lieu of all other warranties, express or implied.

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December 3, 2007

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All earthwork and associated construction should be observed by our field representative, and tested where necessary, to compare the generalized site conditions assumed in this report with those found at the site at the time of construction, and to verify that construction complies with the intent of our recommendations.

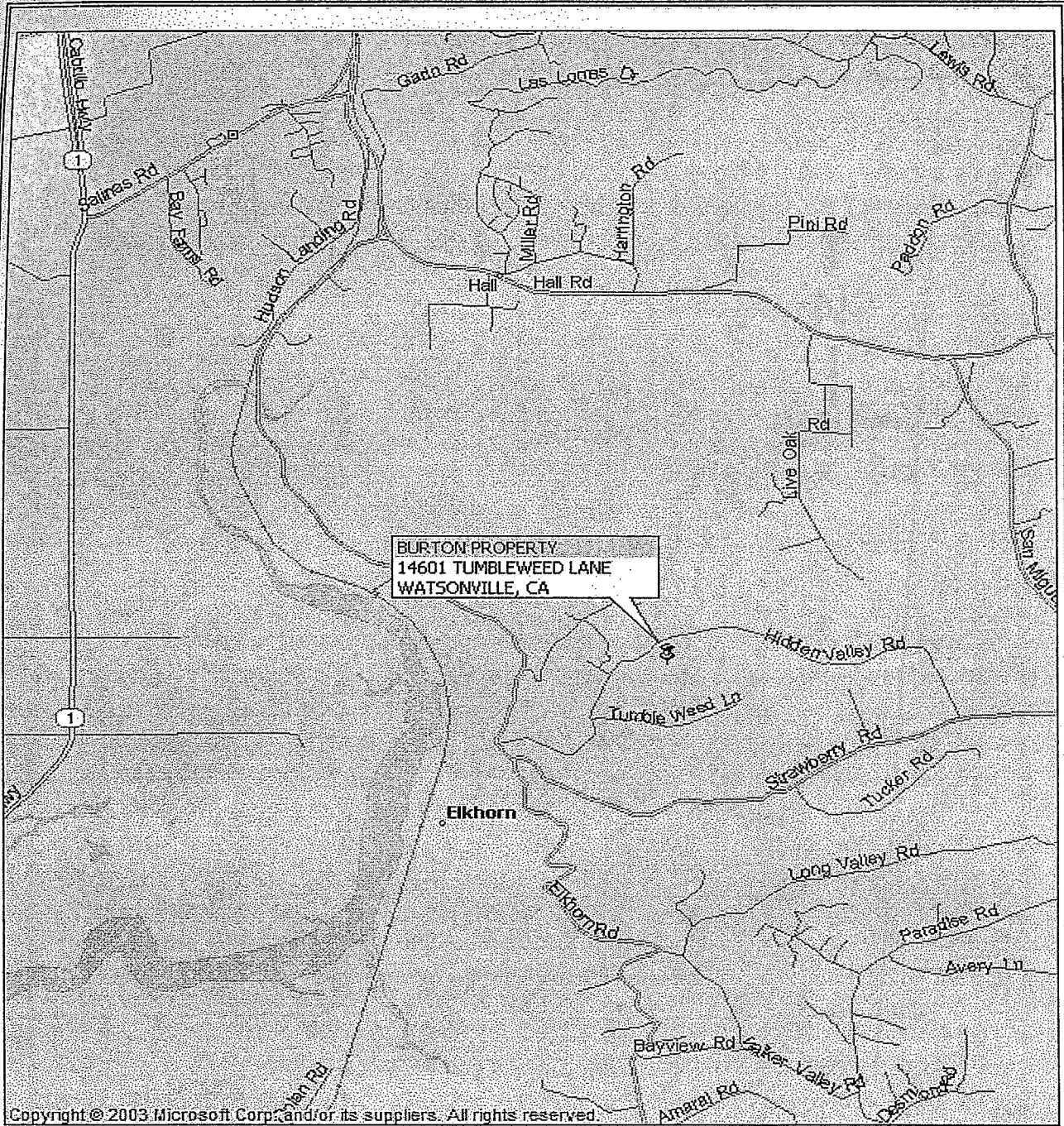
Report prepared by:

AMSO CONSULTING ENGINEERS



Basil A. Amso
CE 49998

AMSO CONSULTING ENGINEERS



**AMSO CONSULTING
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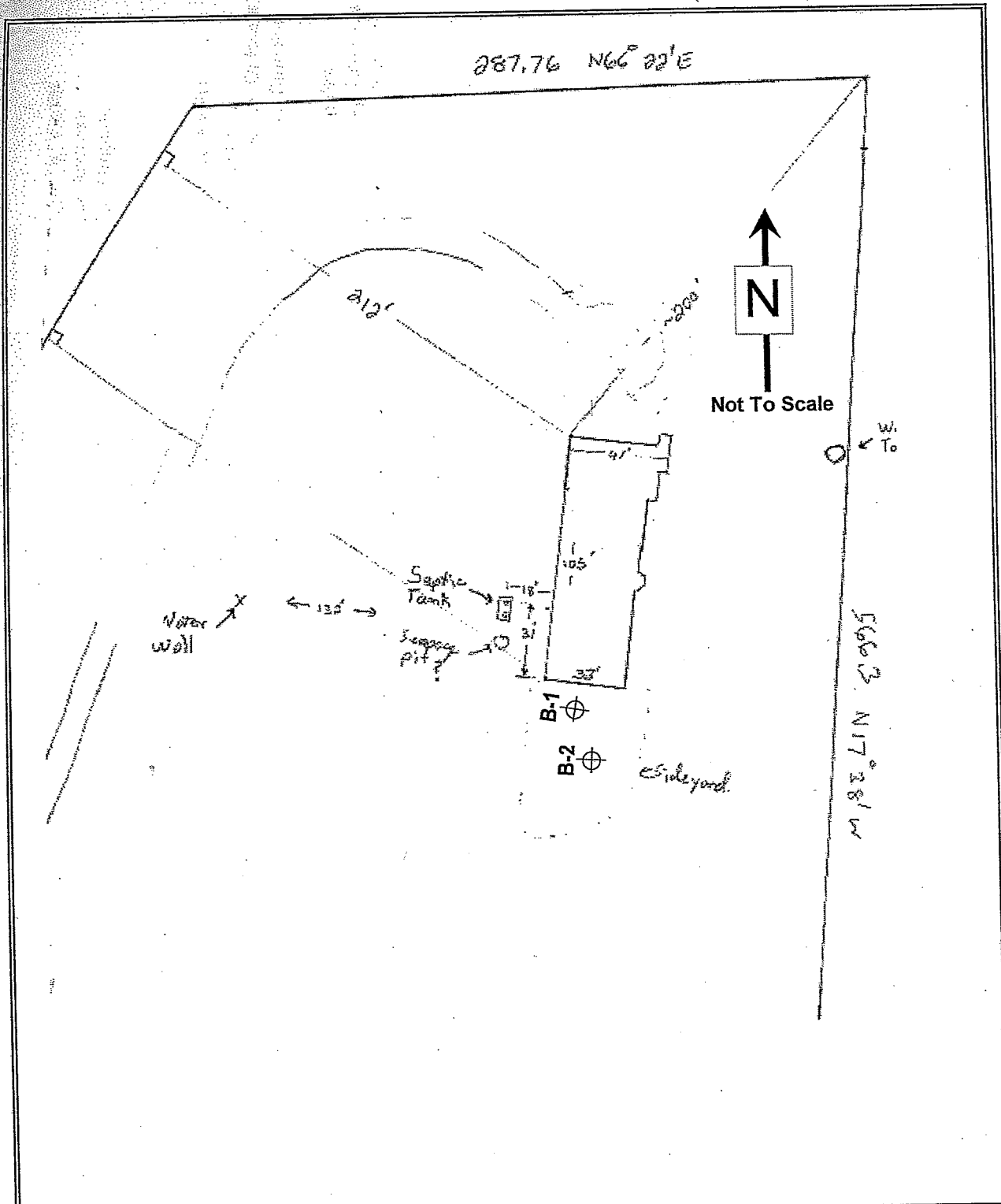
NOVEMBER 2007

VICINITY MAP

**BURTON PROPERTY
14601 TUMBLEWEED LANE
WATSONVILLE, CALIFORNIA**

**FIGURE
1**

**PROJECT
3463**



<p>AMSO CONSULTING ENGINEERS</p>	<p>SITE PLAN AND LOCATION OF EXPLORATION BORINGS</p>	<p>FIGURE 2</p>
<p>NOVEMBER 2007</p>	<p>BURTON PROPERTY 14601 TUMBLEWEED LANE WATSONVILLE, CALIFORNIA</p>	<p>PROJECT 3463</p>

LEGEND

Type "A" Faults

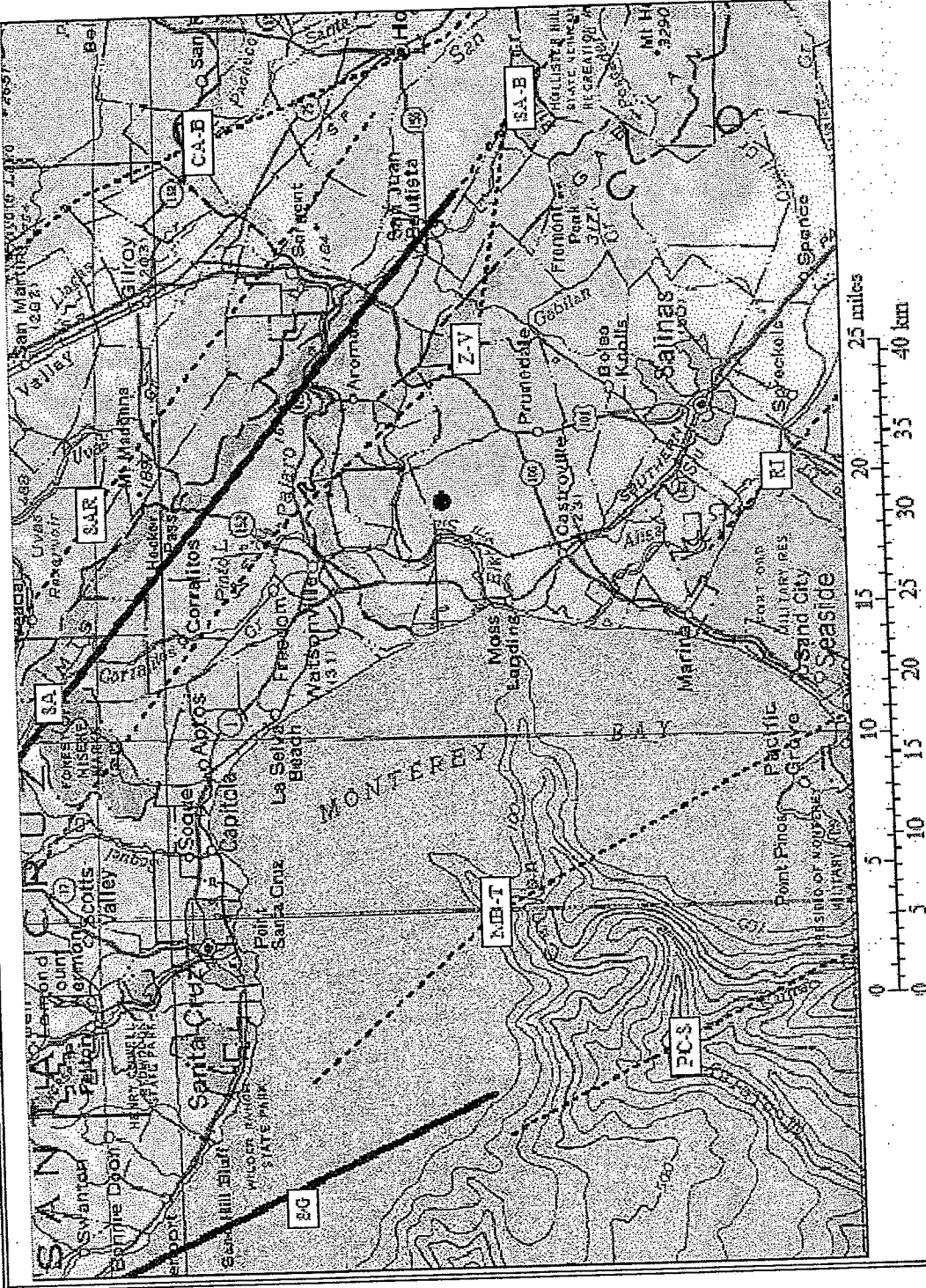
- SA San Andreas
- SG San Gregorio

Type "B" Faults

- RI Rinconada
- CA-B Calaveras (So. Of Reser)
- SA-B San Andreas, Creeping
- SAR Sargent
- Z-V Zaratene-Vergeles
- MB-T Monterey Bay Tularcitos
- PC-S Palo Colorado Sur
- Site Location

This map should not be used to determine whether or not a given property lies on a fault line. Its only purpose is to give the reader of this report a feel of approx. distances to Types A & B fault.

Faults other than Types A & B are not shown on this map.



FIGURE

3

PROJECT

3463

APPROXIMATE LOCATION OF TYPES "A" AND "B" FAULTS

BURTON PROPERTY
 14601 TUMBLEWEED LANE
 WATSONVILLE, CALIFORNIA

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NOVEMBER 2007

APPENDIX A

Key to Exploration Logs and Boring Logs

KEY TO EXPLORATORY BORING LOGS



SOIL CLASSIFICATIONS

PRIMARY DIVISIONS			GROUP SYMBOL	SECONDARY DIVISIONS	
COARSE GRAINED SOILS More than half of material is larger than No. 200 sieve size	GRAVELS More than half coarse fraction is larger than No.4 sieve	Clean Gravels (less than 5% fines*)	GW	Well graded gravels, gravel-sand mixtures, little or no fines	
		Gravel with fines*	GP	Poorly graded gravels, gravel-sand mixtures, little or no fines	
		SANDS More than half coarse fraction is smaller than No.4 sieve	Clean Sands (less than 5% fines*)	GM	Silty gravels, gravel-sand-silt mixtures, non-plastic fines
			Sands with fines*	GC	Clayey gravels, gravel-sand-clay mixtures, plastic fines
	FINE GRAINED SOILS More than half of material is smaller than No. 200 sieve size	SILTS AND CLAYS Liquid limit is less than 35	SILTS AND CLAYS Liquid limit is between 35 and 50	SW	Well graded sands, gravelly sands, little or no fines
				SP	Poorly graded sands or gravelly sands, little or no fines
				SM	Silty sands, silt-sand mixtures, non-plastic fines
		SILTS AND CLAYS Liquid limit is greater than 50	SILTS AND CLAYS Liquid limit is greater than 50	SC	Clayey sand, sand-clay mixtures, plastic fines
ML				Inorganic silts, clayey silts, rock flour, silty very fine sands	
CL				Inorganic clays of low plasticity, gravelly clay of low plasticity	
OL				Organic silts and organic silty clays of low plasticity	
MI				Inorganic silts, clayey silts and silty fine sand with intermediate plasticity	
HIGHLY ORGANIC SOILS	HIGHLY ORGANIC SOILS	CI	Inorganic clays, gravelly clays, sandy clays and silty clays of intermediate plasticity		
		OI	Inorganic clays and silty clays of intermediate plasticity		
		MH	Inorganic silts, clayey silts, elastic silts, micaceous or diatomaceous silty or fine sandy soil		
		CH	Inorganic clays of high plasticity		
			OH	Organic clays and silts of high plasticity	
			Pt	Peat, meadow mat, highly organic soils	

GRAIN SIZES							
U.S. STANDARD SERIES SIEVE				CLEAR SQUARE SIEVE OPENINGS			
200	40	10	4	3/4"	3"	12"	
SILTS AND CLAYS	FINE	MEDIUM	COARSE	FINE	COARSE	COBBLES	BOULDERS
SAND				GRAVEL			

RELATIVE DENSITY	
SANDS, GRAVELS AND NON-PLASTIC SILTS	BLOWS/FOOT*
VERY LOOSE	0 - 4
LOOSE	4 - 10
MEDIUM DENSE	10 - 30
DENSE	30 - 50
VERY DENSE	OVER 50

CONSISTENCY		
CLAYS AND PLASTIC SILTS	UNCONFINED SHEAR STRENGTH (PSF)	BLOWS/FOOT*
VERY SOFT	0 - 250	0 - 2
SOFT	250-500	2 - 4
FIRM	500-1000	4 - 8
STIFF	1000-2000	8 - 16
VERY STIFF	2 000- 4000	16 - 32
HARD	>4000	OVER 32

SYMBOLS	
	Initial Ground Water Level
	Final Ground Water Level
*	Standard Penetration Sampler
X	Modified California Sampler
D	Dames & Moore Sampler

NOTES
<p>*BLOWS per FOOT – Resistance to advance the soil sampler in number of blows of a 140-pound hammer falling 30 inches to drive a split spoon sampler.</p> <p>Stratification lines on the logs represent the approximate boundary between soil types, and the transition may be gradual.</p> <p>Modified California Sampler – 2 1/2 O.D. (1 7/8 Inch I.D.) sampler</p> <p>Standard Penetration Sampler – 2 inch O.D. (1 3/8 Inch I.D.) split spoon sampler (ASTM D1586).</p> <p>Dames & Moore Sampler – 3 inch O.D. (2.5 inch I.D.) sampler</p>

BORING LOG

No. B-1

PROJECT BURTON PROPERTY

DATE 11/10/2007 LOGGED BY BAA

DRILL RIG HAND AUGER

HOLE DIA. 4"

SAMPLER X - Modified California; * - S.P.T

GROUND WATER DEPTH INITIAL —

FINAL —

HOLE ELEVATION

DESCRIPTION	SOIL TYPE	DEPTH	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	TORVANE (tsf)	LIQUID LIMIT (%)	WATER CONTENT (%)	PLASTIC LIMIT (%)	DRY DENSITY (pcf)	FAILURE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)	
Silty Sand; ligh brown, dry, loose to medium dense; Fill with roots and pieces of sandstone fragments with pieces of wood	SM	1											
		2	x	10				10		98			
		3											
		4											
		5											
		6	x	9					12		99		
		7											
		8											
Silty Sand; light brown, damp, dense; Severely weathered sandstone fine roots medium dense	SM/ SC	9	*	31									
		10											
		11											
		12	*	18									
		13											
		14											
		15	*	28									
Bottom of hole at 15 feet No ground water encountered		16											
		17											
		18											
		19											
		20											

BORING LOG

No. B-2

PROJECT BURTON PROPERTY

DATE 11/10/2007

LOGGED BY BAA

DRILL RIG HAND AUGER

HOLE DIA. 4"

SAMPLER X - Modified California; * - S.P.T

GROUND WATER DEPTH INITIAL

FINAL

HOLE ELEVATION

DESCRIPTION	SOIL TYPE	DEPTH	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	TORVANE (tsf)	LIQUID LIMIT (%)	WATER CONTENT (%)	PLASTIC LIMIT (%)	DRY DENSITY (pcf)	FAILURE STRAIN (%)	UNCONFINED COMPRESSIVE STRENGTH (psf)	
Silty Sand; brown, dry, loose to medium dense with pieces of sandstone fragments and roots	SM	1											
		2	*	9									
		3											
		4											
		5											
Silty fine Sand; light brown, dry to damp, medium dense to dense; weathered sandstone	SC/ SM	6	*	22									
		7											
		8											
		9											
		10	*	28									
Bottom of hole at 10 feet No ground water encountered		11											
		12											
		13											
		14											
		15											
		16											
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EXHIBIT I

JUSTIFICATION LETTER

PLN080371
LIB090098

Pool Impact and Justification at

APN: 129-141-071000
Bruce B. Burton
14601 Tumbleweed Lane
Royal Oaks, CA 95076

Purpose of the Pool

The pool is for daily exercise by the owners and family, recreation, and entertainment of guests. We have 6 family members: 51, 50, 22, 20, 14 and 8 years old. I have been a big swimmer since age 6. I was on the swim team in high school, JV and Varsity and have been swimming in club pools ever since and hotel pools when on vacation or business trips. Living in North Monterey County, we have limited access to pools. The younger family members want to become better swimmers, have pool parties and play pool games as well as use it for exercise. It has been a life long goal to have a pool again in my yard so it is easier to get time in to do daily laps. The original idea was to have a lap pool about 60+ ft in length but the site slopes and tree root impact was too much for this size of pool. We decided to scale it back to 50 ft in length where the slope impact is small and there is no significant tree root impact. We believe pool size to be a practical compromise between the lap pool idea and protecting the coastal environment the pool site is located in. The pool will have a significant solar heating array on the main house roof with propane backup to support year round swimming and a pool cover to help keep the heat in.

Monterey County planning commission issues

1. Pool site within 100 ft of sensitive habitat
2. Pool site on a slope greater than 25 %

Justifications

1. The Manzanita bush found all my lot is an endangered species. The proposed pool site and construction access areas will not impact any of the Manzanita bushes on the lot.
2. The high slope area is confined to just the far end of the pool away from the house, an area ~ 80 sq ft or only 4% of the total 2000 sq ft of pool and deck area. The retaining wall will only need to be 3' maximum height to hold back the hillside from the pool deck. *

* There are new homes built (within the past year) on Hidden Valley road (350 for example) only ¼ mile away that had an entire hillsides carved out to make level areas for the home and driveway with lots of retaining walls used to stabilize the hillside. The amount of retaining wall needed by this pool into existing high slope area is quite small by comparison.

Bruce B. Burton
Bruce B. Burton